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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,054	06/25/2003	Catherine Solich		3836

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Catherine Solich
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EXAMINER

THOMPSON, TIMOTHY J

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fanselow(U.S. Patent No. 3,704,938).

Regarding claim 1, Fanselow discloses a magnifying glass assembly adapted to magnify printed lines on a printed page(fig 1), an elongated magnifying glass(fig 1, 30) and a holding element(fig 2, 41, 42) , the magnifying glass is an elongated magnifying glass having a flat bottom(col 3, lines 20-35) and a half circle upper shape(fig 2, 31), means for creating a friction between said magnifying glass and said holding element(fig 2, 28), whereby, when a paper(fig 2, 22) is placed between said elongated magnifying glass and said flat section said friction will hold said magnifying assembly in a predetermined location(col 3, lines 1-20). Fanslow does not disclose the magnifying glass consisting of two parts, said second part is a holding element and has at one end thereof a cage for receiving said magnifying glass therein and a flat section extending from said cage. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the magnifying element and holding element from two pieces, the magnifying glass and holding element, since it has been

held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 2, Fanselow discloses friction is created by placing a friction knob(fig 2, 22) on a far end of said flat section(fig 5).

Regarding claim 4, Fanselow discloses wherein said friction is created by angling the holder(fig 2, 28) relative to said flat section(the back side of element 30 in fig 1), whereby, the flat bottom of said magnifying glass will force a straight line between the holder and said flat section to magnifying glass when any paper is inserted there between(as shown by figure 2, since the holder is termed a "pocket clip", col 2, line 31 and since the clip bar is straight , the clip bar will obviously be forced in to essentially parallel position with the back surface of the magnifier).

Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Fanselow(U.S. Patent No. 3,704,938) as applied to claim 1 above, and further in view of Solich(U.S. Patent No. 6,398,087).

Regarding claim 5, Fanselow, as detailed in claim rejection 1 above, does not disclose a sight line placed on said flat bottom of said magnifying glass. However, Solich discloses a sight line placed on said flat bottom of said magnifying glass(fig 1, 4), stating that a sight line is used so a reader can clearly identify a particular line(abstract). It would have been obvious to one skilled in the art at the time of the invention, to use a sight line as disclosed by Solich, in the magnifier of Fanselow, since as shown by Solich sight lines are commonly used so as to aid in the identifying of a particular line.

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With the allowable feature being wherein said friction is created by placing a friction knob on a flexible element midway between an end of said flat section and said cage.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Redmond(U.S. Patent No. 6,538,828) and Piccinini, Sr.(U.S. Patent No. 5,133,554) are pertinent to the application since they pertain to magnifiers which include a holder for reading materials).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (703) 305-0881. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (703) 308-4883.

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T.J.T.

11/19/03

A handwritten signature in black ink, appearing to read "Tim Sharp". The signature is fluid and cursive, with a long horizontal stroke extending from the end.